

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

BRIAN RODRIGUEZ,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/18/2020

No. 19-CR-449-02 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

A review of the docket reveals that the instant criminal action was commenced in April 2019; Defendant Brian Rodriguez is charged with two counts of conspiring to commit robbery in violation of 18 U.S.C. § 1951, one count of committing robbery and aiding and abetting the same in violation of 18 U.S.C. §§ 1951 and 2, and one count of using and carrying a firearm that was brandished during and in relation to second robbery and aiding and abetting the same; Magistrate Judge Judith C. McCarthy granted bond on May 1, 2019, and Defendant has been in compliance with the conditions of release; a trial is scheduled for January or February 2021; and Defendant wishes to enter a guilty plea pursuant to a negotiated plea agreement.

In light of the ongoing Coronavirus Disease 2019 (“COVID-19”) pandemic, Defendant’s desire to resolve this matter without a trial as quickly as possible despite his recent multiple sources of exposure, which could pose a risk of COVID-19 exposure to others if an in-person change of plea were required; and in order to comply with social distancing protocols and the directives provided by the Chief Judge of the United States District Court for the Southern District of New York to limit in-person court appearances due to the risk presented by COVID-19, it is the Court’s determination that in order to prevent serious harm to the interest of justice, Defendant Brian Rodriguez can and should be permitted to change his plea by video teleconference or by telephone conference before a Magistrate Judge of this Court pursuant to the CARES Act § 15002(b)(2)(A).

Accordingly, it is hereby ORDERED that the plea hearing for Defendant Brian Rodriguez be conducted by video teleconference or by telephone conference (if video conference is unavailable) before this Court or a Magistrate Judge at a date and time mutually convenient to the Court and all parties concerned. The Clerk of Court is requested to terminate the motion at ECF No. 96.

Dated: November 18, 2020
White Plains, New York

SO ORDERED:



NELSON S. ROMÁN
United States District Judge